

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**DARRYK K. SPRING and  
FLOYD L. SEMONS,**

**Plaintiffs,**

**v.**

**Case No. 23-CV-357**

**BREANNA M. GILBERT and  
HANNAH UTTER,**

**Defendants.**

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**ORDER**

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Plaintiffs Darryk K. Spring, who is confined at Stanley Correctional Institution and representing himself, and Floyd L. Semons, who is confined at Green Bay Correctional Institution (GBCI) and representing himself, filed a complaint under 42 U.S.C. § 1983 alleging that the defendants violated their constitutional rights. (ECF No. 1.) On September 1, 2023, the court screened the complaint and found that it failed to state a claim. (ECF No. 26.) However, the court gave the plaintiffs an opportunity to amend the complaint. The court also noted that the two plaintiffs were at two different institutions and encouraged them to consider filing a motion to sever the cases.

On September 29, 2023, Semons filed a motion to sever and attached an amended complaint. (ECF Nos. 28, 28-1.) On October 2, 2023, Spring filed a motion to sever (ECF No. 29) and an amended complaint (ECF No. 30). The court has briefly

reviewed both amended complaints and find they state separate claims against two separate defendants. As such, the court will grant the motions to sever the case. *See* Fed. R. Civ. P. 21. The court will also direct the Clerk of Court's office to take Semons's amended complaint (ECF No. 28-1) and open a new case. Semons does not have to pay an additional filing fee or move to proceed *in forma pauperis* because the court already granted his motion in this case. Once the Clerk of Court's office opens a new case, the court will screen Semons's amended complaint.

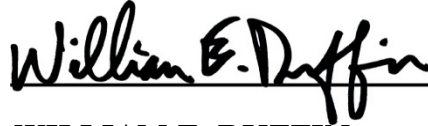
As for Spring, ECF No. 30 is now the operative complaint. The court will screen Spring's amended complaint in the near future.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the plaintiffs' motions to sever (ECF Nos 28, 29) are **GRANTED**. Spring's case and Semons's case are **SEVERED**. The Clerk of Court's office shall take Semons's amended complaint (ECF No. 28-1) and open a new case. Semons does not have to pay an additional filing fee and he is allowed to proceed without prepayment of the filing fee in his new case. He must make payments as outlined in the court's screening order dated September 1, 2023. (ECF No. 26.) Additionally, Semons's open motion for extension of time and motion to disqualify the judge (ECF No. 31) shall transfer over to the new case.

**IT IS FURTHER ORDERED** that Spring's amended complaint (ECF No. 30) is now the operative complaint in this case.

Dated at Milwaukee, Wisconsin this 9th day of November, 2023.

BY THE COURT

A handwritten signature in black ink, reading "William E. Duffin". The signature is written in a cursive style and is positioned above a horizontal line.

WILLIAM E. DUFFIN  
United States Magistrate Judge